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## PARK CITY MUNICIPAL CORPORATION MUNICIPAL CODE

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### TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.9 RURAL ESTATE (E-40) DISTRICT

*Chapter adopted by Ordinance 00-51*

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#### **15-2.9-1. PURPOSE.**

The purpose of the Rural Estate (E-40) District is to:

- (A) preserve and enhance the natural environment and resources of Park City, to protect the health and welfare of the residents of the community,
- (B) provide a zone for rural and agricultural Uses that require large Lot sizes,
- (C) mitigate geologic and flood hazards, and
- (D) preserve Open Space.

#### **15-2.9-2. USES.**

Uses in the E-40 District are limited to the following:

#### (A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Secondary Living Quarters
- (3) Lockout Unit (Nightly Rental of Lockout Units requires a Conditional Use permit)
- (4) Accessory Apartment (See LMC Chapter 15-4-7)
- (5) Nightly Rental (Nightly Rentals do not include the use of dwellings for Commercial Uses)
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting
- (8) Child Care, Family
- (9) Child Care, Family Group (See LMC Chapter 15-4-9 for Child Care Regulations)
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture

- (13) Raising, grazing of horses
- (14) Residential Parking Area or Structure, with four (4) or fewer spaces
- (B) **CONDITIONAL USES.**
- (1) Guest House
- (2) Group Care Facility
- (3) Child Care Center
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna (See LMC Chapter 15-4-14)
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter (LMC Chapter 15-4-13)
- (8) Plant and Nursery Stock Production and Sales
- (9) Raising, grazing of livestock
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Parking Lot or Structure with five (5) or more space
- (13) Temporary Improvement (Requires an Administrative Conditional Use permit)
- (14) Passenger Tramway Station and Ski Base Facility
- (15) Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- (16) Outdoor Event (Requires an Administrative Conditional Use permit)
- (17) Recreation Facility, Public and Private
- (18) Recreation Facility, Commercial
- (19) Commercial Stables, Riding Academy
- (20) Mines and Mine Exploration
- (21) Fences greater than six feet (6') in height from Final Grade
- (22) Vehicle Control Gates (See Section 15-4-19 for specific review criteria for gates)

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. No. 04-08)*

#### **15-2.9-3. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- (A) **LOT SIZE.** The minimum Lot size for all Uses is forty (40) acres.
- (B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100').
- (C) **SETBACKS.** The minimum Front, Side, and Rear Yards for all Structures are thirty feet (30').

#### **15-2.9-4. BUILDING HEIGHT.**

No Structure may be erected to a height of greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** To allow for a pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) An antenna, chimney, flue, vents, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with the Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural feature, subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but shall not contain Habitable Space above the Zone Height. Such exceptions require approval by the Community Development Department.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Community Development Department.

*(Amended by Ord. No. 07-25)*

#### **15-2.9-5. ARCHITECTURAL REVIEW.**

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Community Development Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

#### **15-2.9-6. SENSITIVE LANDS REVIEW.**

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Application:

(A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation;

(B) A map showing Access routes, both existing and proposed, showing the Grade of Rights-of-Way and private and Public Roads, widths, curve data, and similar information for evaluation of emergency vehicle Access;

(C) A soils analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.

(D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project.

(E) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

#### **15-2.9-7. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use Review.

#### **15-2.9-8. OUTDOOR EVENTS AND MUSIC.**

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent Property Owners.

(B) There is no violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

*(Amended by Ord. No. 04-08; Criteria for Vehicle Control Access Gates Deleted)*

#### **15-2.9-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.**

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

(1) waste removal/odors;

(2) drainage and runoff;

(3) bedding materials;

(4) flies; and

(5) feed/hay

#### **15-2.9-10. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Community Development Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Title 14 and LMC Chapter 15-3-3(D).

#### **15-2.9-11. SIGNS.**

Signs are allowed in the E-40 District as provided in the Park City Sign Code, Title 12.

#### **15-2.9-12. RELATED PROVISIONS.**

Fences and Walls. LMC Chapter 15-4-2.

Accessory Apartment. LMC Chapter 15-4-7.

Satellite Receiving Antenna. LMC Chapter 15-5-13.

Telecommunication Facility. LMC Chapter 15-4-14.

Parking. Section 15-3.

Landscaping. Title 14; LMC Chapter 15-3-3(D).

Lighting. LMC Chapters 15-3-3(C) and 15-5-5(I).

Historic District Commission. LMC Chapter 15-11.

Park City Sign Code. Title 12.

Architectural Design. LMC Chapter 15-5.

Snow Storage. Section 15-3-3(E).

Parking Ratio Requirements. Section 15-3-6.

